MINUTES RECEIVED CHIEF CLERK'S OFFICE

COMMITTEE ON ELECTIONS

Report of Regular Meeting Monday, February 15, 2016 House Hearing Room 4 -- 10:00 am

Convened 10:22 am

Recessed

Reconvened

Adjourned 12:01 pm

MICHINGIA I I CACHI	Mem	bers	Present
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Members Absent

Mrs. Carter

Mr. Clark

Mr. Larkin

Mr. Weninger

Mr. Mesnard, Vice-Chairman

Ms. Ugenti-Rita, Chairman

Agenda

Original Agenda – Attachment 1

Request to Speak

Report - Attachment 2

Committee Action

<u>Bill</u>	Action	<u>Vote</u>	<u>Attachments</u>
			(Summaries,
			Amendments, Roll Call,
			Attendance)
HB2094	DPA	6-0-0-0	3, 4, 5
HB2296	DP	4-1-0-1	6, 7
HB2297	DP	4-2-0-0	8, 9
HCR2043	DP	4-2-0-0	10, 11
HCR2013	HELD		
Committee			12
Attendance			

Warshall Pimentel, Chairman Assistant

2/17/16

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

convented: 10:22am adjourned: 12:01pm

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON ELECTIONS

DATE Monday, February 15, 2016

ROOM HHR 4

TIME 10:00 A.M.

Strike Everything Title

Members:

Mrs. Carter Mr. Clark Mr. Larkin

Mr. Weninger

Mr. Mesnard, Vice-Chairman Ms. Ugenti-Rita, Chairman

Short Title Bills ballots; defects; notice and cure HB2094 (Clark, Andrade, Bolding, et al) O-O ELECT, RULES charitable organizations; campaign finance HB2296 disclosure (Mesnard, Leach) ELECT, RULES political advertisements; contributors; disclosure (Mesnard) ELECT, RULES HCR2013 clean elections act; repeal (Ugenti-Rita) ELECT, RULES initiative, referendum; vote percentage HCR2043 requirements

ELECT, RULES

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

MJP 2/10/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Elections (2/15/2016)

HB2094, ballots; defects; notice and cure

Testified in support:

Karen Osborne, MARICOPA COUNTY

Support:

Helen Purcell, representing self; Peter Bengtson, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Alisa McMahon, representing self; Michael Fiflis, representing self; Eleanor Eisenberg, The League Of Women Voters, AZ; Paige Wambold, representing self; Joanna Marroquin, representing self; Jen (Sweeney) Marson, AZ ASSOCIATION OF COUNTIES; Erica Sussman, representing self; Joshua Huggins, representing self; Zaida Dedolph, representing self; Sam Richard, PROTECTING ARIZONA'S FAMILY COALITION

Neutral:

Eric Spencer, AZ SECRETARY OF STATE

Oppose:

Willie Stubbs, representing self

All Comments:

Karen Osborne, MARICOPA COUNTY: As amended.; Helen Purcell, Self: As amended; Peter Bengtson, Self: This is an important bill and should be passed. Betty and I heard F. Ann Rodriguez speak Wednesday evening. Sounds like these are very desirable things for the county recorders to do. Voters should have a chance to correct defects in early ballots; Willie Stubbs, Self: This bill forces Recorders to contact every person for a defective early ballot which is too great a burden to perform in such a short time forcing the staff to grow exponentially to meet the requirements. Poll voters aren't given the same benefit.; Eleanor Eisenberg, The League Of Women Voters, AZ: The League of Women Voters supports assurance that a vote will be counted and opportunities to correct any errors which would prevent that.; Jen (Sweeney) Marson, AZ ASSOCIATION OF COUNTIES: As amended

HCR2013, clean elections act; repeal

Support:

Willie Stubbs, representing self; Eric Emmert, East Valley Chambers Of Commerce Alliance

Oppose:

Rivko Knox, representing self; Jennifer Pawlik, representing self; Joseph Seelye, representing self; Cheryl Hasebe, representing self; Teri Farneti, representing self; Mariana Spier, representing self; Barbara Matteson, representing self; Deborah Zajac, representing self; Eve Shapiro, representing self; James Pullaro, representing self; Pamela Boyd, representing self; Dianne Post, representing self; Molly McGovern, representing self; Alice Stambaugh, representing self; anne schneider, representing self; Gini McGirr, League of Women Voters of Arizona, Legislative

Chair, League Of Women Voters Of AZ; Gini McGirr, League of Women Voters of Arizona, Legislative Chair, representing self; Peter Bengtson, representing self; Doris Marie Provine, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Samantha Pstross, AZ ADVOCACY NETWORK, Self; Arthur Rogers, representing self; Jacob Schmitt, representing self; Jay Gittrich, representing self; Alisa McMahon, representing self; Michael Fiflis, representing self; Nick Collins, representing self; Eleanor Eisenberg, The League Of Women Voters, AZ; Stephanie Seigla, representing self; Bill Gates, representing self; Sam Wercinski, representing self; Thomas Collins, Arizona Citizens Clean Elections Commission; Carol Maas, representing self; Paige Wambold, representing self; Joanna Marroquin, representing self; Zach Josephson, representing self; Robert Young, representing self; Erica Sussman, representing self; Joshua Huggins, representing self; Zaida Dedolph, representing self; Sam Richard, PROTECTING ARIZONA'S FAMILY COALITION

All Comments:

Rivko Knox, Self: The Clean Elections Commission was created by the public to make democracy more transparent & accessible to all. I have not heard any outcry from the public that it isn't working. So, what motivates this bill? I wonder???; Jennifer Pawlik, Self: The citizens of AZ voted for the clean elections act in 1998. Now, 18 years later when so much "DARK" money influences politics in this state, we need this program more than ever before. Do not repeal clean elections.; Joseph Seelye, Self: Why the attack on voters and voter's protections. Let's get this state back on track and make it a state that we can all be proud to live in again.; Cheryl Hasebe, Self: I am a constituent. The Citizens Clean Elections Commission was created by the citizens of Arizona to be an independent and impartial body that improves the integrity of Arizona state government, which they do! I urge you to vote no!; Mariana Spier, Self: I urge you to vote NO on H.C.R.2013. The Citizens Clean Elections Commission was created by the citizens of Arizonal; Barbara Matteson, Self: Oppose this bill. This bad bill.; Deborah Zajac, Self: Do not waste money trying to repeal Clean Elections Commission. It improves the integrity of the Arizona State government.; Alice Stambaugh, Self: Why would anyone be against having clean elections?; anne schneider, Self: Too much money, secret, from too few people is destroying our democracy. clean elections has been at the forefront of fighting for disclosure and reigning in the influence of money in elections. Anne Schneider, retired professor. Vote no please; Gini McGirr, League Of Women Voters Of AZ: Please vote NO on HCR2013. The Clean Elections was put into effect by the people and you should leave it alone.; Gini McGirr, Self: Clean Elections Commission should be left alone. This commission is needed. I oppose Bill HCR2013.; Peter Bengtson, Self: This is a bad idea, the legislature should do all they can to retain and expand the Clean Elections program.; Willie Stubbs, Self: Candidates shouldn't have to answer to the SOS and to the Clean Elections Commission. The U.S. Supreme Court struck down the matching funds provisions as unconstitutional, so the Act is worthless.; Doris Marie Provine, Self: What a time to be considering a bill to kill Clean Elections! This voter-adopted initiative represents the desire of Arizona voters to have candidates speak to them directly, even if they are not big donors. Reject this bad bill by a unanimous vote; Arthur Rogers, Self: The Clean Elections Program has earned my respect as an Arizona citizen and independent voter. To refer this to another vote will waste money needed in the upcoming budget. Please vote NO.; Jacob Schmitt, Self: Removing the independent oversight committee for elections is not in the best interest of Arizonans.; Nick Collins, Self: Why does it seem like the Republicans in the Legislature are always going against the will of the people? I think having Clean Elections (and an Independent Redistricting Commission) is good for AZ. Please OPPOSE this bill.; Eleanor Eisenberg, The League Of Women Voters, AZ: The League of Women Voters supports public financing and the regulatory function of AZ Clean Elections. It should not be repealed.; Bill Gates, Self: With state and national elections so dominated by dark money and big donors, the Clean Elections system is a bright beacon of hope for regular citizens. The system works well. Do not alter it in any way.; Carol Maas, Self: This effort is an affront to voters and the election process they put in place for Arizona. Clean Elections is a way to keep money and its influence out of elections. It also is a non-partisan voice that voters have to protect their right.;

Robert Young, Self: I was a candidate for House Legislative District 15, 2006, in the Democratic Primary, and the adverse experience of Citizens for Clean Elections is what I would like to share.

HB2296, charitable organizations; campaign finance disclosure

Testified in support:

Jon Riches, representing self

Testified as neutral:

Thomas Collins, Arizona Citizens Clean Elections Commission

Support:

Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Scot Mussi, Arizona Free Enterprise Club; Michael Hunter, BARRY GOLDWATER INSTITUTE FOR PUBLIC POLICY RESEARCH; Eric Spencer, AZ SECRETARY OF STATE

Neutral:

Trey Williams, AZ ASSOCIATION OF COUNTIES

Oppose:

Samantha Pstross, AZ ADVOCACY NETWORK; Paige Wambold, representing self; Joanna Marroquin, representing self; Bill Gates, representing self; Erica Sussman, representing self; Joshua Huggins, representing self; Zaida Dedolph, representing self; Sam Richard, PROTECTING ARIZONA'S FAMILY COALITION

All Comments:

Trey Williams, AZ ASSOCIATION OF COUNTIES: On behalf of county recorders & election directors; Jon Riches, Self: Representing Goldwater Institute

HB2297, political advertisements; contributors; disclosure

Support:

Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Bill Gates, representing self

Neutral:

Eric Spencer, AZ SECRETARY OF STATE

Oppose:

Willie Stubbs, representing self

All Comments:

Willie Stubbs, Self: I believe the intention of this bill is great, but by specifying 20% it creates an escape clause where 6 or more donors can give equal support and keep their dark money status.

HCR2043, initiative, referendum; vote percentage requirements

Testified as opposed:

Doris Marie Provine, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Brian Hummell, American Cancer Society Cancer Action Network

Support:

Willie Stubbs, representing self; Joyce Hill, representing self; Drake Mitchell, representing self

Oppose:

Eve Shapiro, representing self; Rivko Knox, representing self; Dianne Post, representing self; Alice Stambaugh, representing self; anne schneider, representing self; Richard Hofelich, representing self; Gini McGirr, League of Women Voters of Arizona, Legislative Chair, representing self; Peter Bengtson, representing self; Jack Wilborn, representing self; Samantha Pstross, AZ ADVOCACY NETWORK, Self; Arthur Rogers, representing self; Jacob Schmitt, representing self; Alisa McMahon, representing self; Michael Fiflis, representing self; Bill Gates, representing self; Carol Maas, representing self; Paige Wambold, representing self; Charles Essigs, Director of Government Relations, Arizona Association Of School Business Officials; Joanna Marroquin, representing self; Erica Sussman, representing self; Joshua Huggins, representing self; Zaida Dedolph, representing self; Janice Palmer, AZ School Boards Assn; Sam Richard, PROTECTING ARIZONA'S FAMILY COALITION; Nicole Olmstead, American Heart Association; Nickolas Reachmack, representing self; Barbara Jean Robertson, representing self; Pat VanMaanen, representing self; John Baunoch, representing self

All Comments:

Rivko Knox, Self: AZ fought for the right to have an initiative and referendum in our Constitution; and how the Legislature wants to 'mess' with that right, which is 'not right. !!!; anne schneider, Self: I realize that democracy may be messy at times, but once people vote for an initiative or referendum, the legislature should have to send it back to them if they want it changed. Please vote no. Anne Schneider, retired, professor of political sci; Gini McGirr, Self: please vote NO on hCR2043.; Peter Bengtson, Self: The Voter Protection Act needs to remain in the Arizona Constitution as is. The legislature should not try and amend this without obtaining the current 3/4 vote.; Willie Stubbs, Self: I'm for this referendum because it deserves to be put to a vote. I'm sure the voters will defeat it because they feel the legislature is deaf to their will.; Doris Marie Provine, Self: The clear intent of this bill is to "reign in" the citizens' initiative. The founders of this state would be appalled, but not surprised by this effort. That is why they introduced the citizens' initiative after all. Reject this bad bill!; Sandy Bahr, Sierra Club - Grand Canyon Chapter: This measure proposes to significantly weaken the Voter Protection provisions in the Arizona Constitution.; Jack Wilborn, Self: This is not supporting your constituents. Please do not support this bill; Arthur Rogers, Self: This bill will run around citizens who have voted for restrictions. The legislature should represent Arizona citizens and not modify their wishes. Please vote NO.; Bill Gates, Self: The Initiative system works just fine. Do not damage citizens' rights to participate directly in the legislative process. This would water down the right.; Carol Maas, Self: Once again, it appears the Republican party knows more than the voters! This is a power grab if this passes. At that point, voters will be engaged and will shut this down as they did before with petitions of opposition. Quit wasting our time/money!; Brian Hummell, American Cancer Society Cancer Action Network: ACS CAN is opposed to this proposal. It would jeopardize potential tobacco tax increases -- the most proven way to reduce tobacco use.; Nicole Olmstead, American Heart Association: This proposal, if passed, jeopardizes future tobacco taxes passed by voters. Increased tobacco taxes is one of the primary ways to prevent smoking initiation and encourage those who are smoking to quit.; Nickolas Reachmack, Self: Of the, by the, and for the people is not just the privilege of legislatures. Our speech should not be erased.



HB 2094

ballots; defects; notice and cure Prime Sponsor: Representative Clark, LD 24

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HB 2094 requires the county recorder or other officer in charge of elections (county recorder) to notify early ballot voters of ballot defects and provide the opportunity to correct these defects.

PROVISIONS

- 1. Requires the county recorder to:
 - a. provide a method of notifying early ballot voters, at no cost to the voter, if there is a defect resulting in the rejection of the ballot from being counted;
 - b. notify early ballot voter of the option to cure the defect by 7:00 P.M. on Election Day if the early ballot is received by the Friday before the election;
 - c. make reasonable and meaningful attempts to notify and allow the voter to cure those defects resulting from incorrect or incomplete information;
 - d. tabulate the corrected ballot; and
 - e. notify the voter if their ballot was verified and counted, and if not counted, provide the reason.
- 2. Stipulates that the notification method must provide reasonable restriction designed to limit transmittal of information only to the voter.

CURRENT LAW

All elections in Arizona must provide for early voting and any qualified elector may vote by early ballot (A.R.S. § 16-541). The early ballot and affidavit must be enclosed in the self-addressed envelope and delivered or mailed to the county recorder or deposited by the voter or the voter's agent at any polling place in the county by 7:00 P.M. on Election Day (A.R.S. § 16-542).

For any person who votes a provisional ballot, the county recorder is required to provide a method of notifying the provisional ballot voter, at no cost to the voter, whether the voter's ballot was verified and counted. If the provisional ballot was not counted, the reason for not counting the ballot must be provided. The notification may be in the form of notice by mail, toll free telephone number, internet access or other similar methods and provide reasonable restrictions designed to limit transmittal of the information only to the voter (A.R.S. § 16-548).

Fifty-second Legislature Second Regular Session

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2094 (Reference to printed bill)

- 1 Page 3, line 34, strike "TABULATE" insert "PROCESS"
- 2 Line 35, strike "SHALL FURTHER NOTIFY THE VOTER" insert "PROVIDE THE VOTER A
- 3 METHOD FOR DETERMINING"
- 4 Amend title to conform

KEN CLARK

2094CLARK 02/12/2016 03:49 PM H: RLB/rca

Adopted <u>\</u>	# of Verbals
Failed	Withdrawn
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Transport of the State of Stat	Attachment <u>4</u>

COMMITTEE ON	ELECTION	ELECTIONS			HB 2094	
DATE February	15, 2016			MOTION: _	DPA	
	PASS	AYE	NAY	PRESENT	ABSENT	
Mrs. Carter		V				
Mr. Clark		V.				
Mr. Larkin						
Mr. Weninger						
Mr. Mesnard, Vice-Chairman		\\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\				
Ms. Ugenti-Rita, Chairman			and the state of t			
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APPROVED: APPROVED: MICHELLE B. UGENTI-RITA, Chairman JAVAN D. MESNARD, Vice-Chairman					Pinieu A ARY	
ATTACHMENT5						



HB 2296

charitable organizations; campaign finance disclosure Prime Sponsor: Representative Mesnard, LD 17

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HB 2296 prohibits certain 501(c)(3) entities from being required to register as a political committee or file reports.

PROVISIONS

1. Prohibits this state, any agency or political subdivision from requiring an entity with an Internal Revenue Code (IRC) charitable tax exemption under 501(c)(3) to register as a political committee or file statements if the entity does not spend a substantial amount of time or assets on influencing any federal, state or local legislation, referendum, initiative or constitutional amendment.

CURRENT LAW

Arizona, any agency or political subdivision is prohibited from requiring a person to register as a political committee if the person is a religious assembly or institution that does not spend a substantial amount of time or assets within the meaning of the *IRC*, on influencing any federal, state or local legislation, referendum, initiative or constitutional amendment (A.R.S. § 16-922).

Political committee means any of the following: 1) a candidate or a candidate's campaign committee; 2) a separate, segregated fund; 3) an association or combination of persons circulating petitions in support of the qualification of a ballot measure, question or proposition; 4) an association or combination of persons that circulates a petition to recall a public officer; 5) a political party; 6) an association or combination of persons organized, conducted or combined for the primary purpose of influencing the result of any election in this state, county, city, town or other political subdivision that knowingly receives contributions or makes expenditures of more than \$500 in connection with any election during a calendar year; or 7) a political organization; or 8) an exploratory committee (A.R.S. § 16-901).

COMMITTEE ON	ELECTIONS			BILL NO.	HB 2296
DATEFebruary 15	February 15, 2016				DP_
	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter		$\overline{}$	•		
Mr. Clark					
Mr. Larkin				and the state of t	
Mr. Weninger					
Mr. Mesnard, Vice-Chairman		V,			
Ms. Ugenti-Rita, Chairman					
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APPROVED: MICHELLE B. UGENTI-RITA, Chairman JAVAN D. MESNARD, Vice-Chairman					



HB 2297

political advertisements; contributors; disclosure Prime Sponsor: Representative Mesnard, LD 17

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HB 2297 modifies sponsor disclosure requirements for an independent expenditure made for campaign literature or advertisements by a political committee.

PROVISIONS

- 1. Requires literature or advertisements to include the names and telephone numbers of up to three political committees making the largest contributions that, in the aggregate for that political committee, constitutes 20% or more of the total amount of contributions to the political committee making the independent expenditure.
- 2. Makes technical changes.

CURRENT LAW

A political committee that makes an expenditure for campaign literature or advertisements expressly advocating the election or defeat of any candidate or makes any solicitation of contributions to any political committee must include the words "paid for by" followed by the name of the political committee appearing on the statement of organization or exemption statement. Bumper stickers, pins, buttons, pens and similar small items that cannot conveniently contain the required printed statements or signs paid for by a candidate as specified are exempt from the "paid for" requirement.

Additionally, if the expenditure for the literature or advertisement is an *independent expenditure*, the political committee must disclose the names and telephone numbers of the three political committees making the largest contribution to the political committee. Only those contributions made during the calendar year the independent expenditure is made are used for determining the disclosure of the three contributors.

Independent expenditure is defined as an expenditure by a person or committee, other than a candidate's campaign committee, that expressly advocates the election or defeat of a clearly identified candidate made without cooperation, consultation or in concert with, or at the request or suggestion of a candidate, committee or agent of the candidate (A.R.S. § 16-901).

COMMITTEE ON	ELECTION	ELECTIONS			HB 2297
DATE February 1	5, 2016			MOTION: _	DP
	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter		$\sqrt{}$			
Mr. Clark					
Mr. Larkin			/		***************************************
Mr. Weninger		/			
Mr. Mesnard, Vice-Chairman					
Ms. Ugenti-Rita, Chairman		V			
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APPROVED: MICHELLE B. UGENTI-RITA, Cha JAVAN D. MESNARD, Vice-Chair			<u>М</u> ач сфиміт	shull f tee secret	Diment ARY
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HCR 2043

initiative, referendum; vote percentage requirements Prime Sponsor: Representative Mesnard, LD 17

X Committee on Elections

Caucus and COW

House Engrossed

OVERVIEW

HCR 2043, upon voter approval, modifies the Legislature's power to amend, divert or supersede (revise) a voter-approved ballot imitative or referendum measure.

PROVISIONS

- 1. Allows the Legislature to revise a ballot initiative or referendum measure approved 2016 or later if:
 - a. the Legislature approves the revision by a greater percentage than the percentage of voters that approved the initiative or referendum; and
 - b. for measures approved by two-thirds of the votes cast, the revision must further the purpose.
- 2. Requires the SOS to submit this proposition to the voters at the next general election.

CURRENT LAW

In 1998 voters passed <u>Proposition 105</u> that amended the Arizona Constitution relating to initiative and referendum measures. The Legislature does not have the power to repeal an initiative or referendum measure decided or approved by a majority of the votes cast; however, the Legislature may amend, supersede or transfer funds designated by the initiative or referendum if: 1) the amending legislation furthers the purpose of the measure; and 2) receives at least three-fourths vote of the members of each house of the Legislature by a roll call vote (Arizona Constitution, Article IV, Part 1, § 1).

ADDITIONAL INFORMATION

In the House of Representatives, three-fourths equals 45 members. In the Senate, three-fourths equals 23 members.

COMMITTEE ON	ELECTIONS BILL NO				HCR 2043
DATE February 15	, 2016			MOTION: _	DP_
	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Carter					
Mr. Clark			/		
Mr. Larkin			\vee		
Mr. Weninger		\checkmark			
Mr. Mesnard, Vice-Chairman					
Ms. Ugenti-Rita, Chairman					
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APPROVED: MICHELLE B. UGENTI-RITA, Chair	<u> </u>	<u>Дамя</u> срмміт	hall f	imen A ary	
JAVAN D. MESNARD, Vice-Chairm	an		А	TTACHMENT_	

ARIZONA STATE LEGISLATURE

Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE C	N	EL	ELECTIONS							
CHAIRMAN:	Michelle B. Uge	enti-Rita VICE-	nti-Rita VICE-CHAIRMAN: Javan D. Mesnard							
DA	ΛΤΕ	2/15/16	/16	/16	/16	/16				
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MEMBERS	- 100 - 1				I TO THE STATE OF					
Mrs. Carter		V.								
Mr. Clark										
Mr. Larkin										
Mr. Weninger		V.	d to the second							
Mr. Mesnard, Vice-Chairman										
Ms. Ugenti-Rita, Chairman		V								
1	Present	Abs	sent	exc	Excuse	d				